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DE RUEHTV #1834/01 2321516
ZNY CCCCC ZZH
P 191516Z AUG 08
FM AMEMBASSY TEL AVIV
TO RUEHC/SECSTATE WASHDC PRIORITY 8053
INFO RUEHKK/ARAB ISRAELI COLLECTIVE PRIORITY
RHEHNSC/NSC WASHDC PRIORITY

C O N F I D E N T I A L SECTION 01 OF 02 TEL AVIV 001834

SIPDIS

E.O. 12958: DECL: 08/18/2018

TAGS: [PREL](#) [PGOV](#) [KPAL](#) [IS](#)

SUBJECT: CABINET APPROVES RELEASE OF 199 PALESTINIAN
PRISONERS, INCLUDING SOME "WITH BLOOD ON THEIR HANDS"

REF: TEL AVIV 1535

Classified By: DCM Luis G. Moreno for reasons 1.4 (b/d).

¶1. (C) Summary: The ministerial committee charged with prisoner issues voted August 18 to approve a list of 199 Palestinian prisoners to be released August 25, just before Ramadan, as a concession to PA President Abbas. The list is comprised exclusively of Fatah and affiliated prisoners, and includes two Palestinians serving life sentences for terrorist attacks. Although the decision to release prisoners "with blood on their hands" and who have not yet served two-thirds of their sentences violates previous GOI red lines, there has not been a widespread public outcry over the planned release. This may give Olmert, or the next cabinet, more flexibility in identifying meaningful prisoners for release in future discussions with the PA. The decision to release only Fatah members was condemned by Hamas and may complicate the negotiations for Shalit's release. End Summary.

List of 199 Includes Prisoners "with Blood on their Hands"

¶2. (U) A ministerial committee established to deal with prisoner issues convened August 18 to approve a list of 199 Palestinian prisoners that PM Olmert pledged to release to PA President Abbas following their last meeting in Jerusalem on August 6. Shortly after the ministerial committee voted to approve the prisoner release, planned for August 25, the Israel Prison Service (IPS) published the names of the 199 prisoners on the list, all of whom belong to Fatah or allied factions. Among those slated for release are two convicted killers serving life terms: Said al-Ataba, who was sentenced to life for his role in a 1977 bombing that killed one Israeli, and Muhammed Ibrahim (Abu Ali Yatta), who is serving two life sentences for the murder of a settler in Hebron in 1979 and the subsequent jailhouse murder of a fellow Palestinian suspected of collaborating with Israel. While in jail, Ibrahim was also elected to the Palestinian Parliament as a Fatah representative in the 2006 PA elections. Of the remaining 197 prisoners, 133 were convicted of violent crimes, including attempted murder, shooting attacks and planting bombs. Most were arrested following the outbreak of the second intifada in 2000 and have a considerable amount of time remaining on their sentences. Israelis opposed to the release now have until August 20 to petition the High Court, although in recent prisoner releases the High Court has declined to intervene.

Muted Reactions

¶3. (C) The list of prisoners slated for release crosses two of Israel's previous red lines regarding prisoners. In all other post-Annapolis releases, the GOI has publicly stated that it would not release prisoners "with blood on their hands" or who had not yet served two-thirds of their sentences. The list of prisoners published August 18

violates both of these conditions. However, unlike in recent months when the public appeared to value these red lines, most Israelis now seem almost indifferent to the issue, judging by the lack of outcry in the op-ed pages of Israeli newspapers. With a few predictable exceptions, neither the press nor the political opposition have been making a big deal about the inclusion of violent offenders among those slated for release. According to press reports, the only members of the ministerial committee to vote against the release were Kadima ministers Shaul Mofaz and Avi Dichter, both of whom are contesting the Kadima primary elections and both of whom made statements intended to bolster their security credentials at the expense of FM Livni.

A New Bar for Future Releases?

14. (C) In addition to the current preoccupation with internal politics, Israelis have also become somewhat jaded to the now-familiar process of releasing batches of Palestinian prisoners every couple of months as a gesture of goodwill to President Abbas. Moreover, the July 16 release of the man who is probably Israel's most hated terrorist -- Sami Kuntar -- in a swap with Hizballah (reftel), left most Israelis with the impression that the usual red lines have already shifted. In either case, Olmert's ability to release "meaningful" prisoners bodes well for GOI flexibility in future prisoner concessions to the PA. The Israelis will expect Palestinian recognition of the significance of their gesture.

What Does it Mean for Hamas and Gilad Shalit?

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15. (C) The planned release also puts Hamas in a difficult position, since none of its members were on the list and the GOI continues to balk at Hamas' insistence on including high value terrorists among those who would be released in exchange for abducted Israeli soldier Gilad Shalit. The Israelis are calculating that ordinary Palestinians will judge Abbas successful for getting meaningful prisoners released through dialogue, while Hamas remains unable to accomplish a similar feat even in exchange for a living Israeli soldier. According to the Israeli press, Hamas spokesmen in Gaza condemned the planned release as an Israeli attempt to drive yet another wedge between Fatah and Hamas. At the same time, as Mofaz and others suggested in their criticism of the cabinet's decision, Hamas' anger over the current deal and the perception that Israel is now more willing to release violent prisoners may lead Hamas to demand an even greater price in exchange for the release of Glad Shalit.

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